

Customer No. 22,852  
Attorney Docket No. 09812.0123

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re:	)	
	)	
Inventor: Kiyooki TAKIGUCHI	)	Group Art Unit: Not Yet Assigned
	)	
Application No.: 10/569,953	)	Examiner: Not Yet Assigned
	)	
Filed: February 28, 2006	)	Confirmation No.: 3086
	)	
For: <b>Measuring Apparatus and Its</b>	)	
<b>Method</b>	)	

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

**SECOND INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicant brings to the Examiner's attention the foreign non-patent document listed on attached Form PTO/SB/08 . A copy of the listed document is attached. Applicant respectfully requests that the Examiner consider the document listed on attached Form PTO/SB/08 and indicate that it was considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

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The following is listed on the accompanying PTO/SB/08 and is in a non-English language:

H. Tsuchida, et al., "Evaluation on Intermittent Claudication Using Near Infrared Spectroscopy", Japanese Journal of Vascular Surgery, 1998, Vol. 7, No. 3 pp. 475-487 -

The relevance of this document is discussed at page 1 of the specification of the present application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and applicants determine that the cited document does not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.


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If there is any fee due in connection with the filing of this Statement, please  
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 30, 2006

By:   
David W. Hill  
Reg. No. 28, 220

Enclosures  
DWH/FPD/alp

IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/569,953	
			Filing Date	February 27, 2006	
			First Named Inventor	Kiyoaki TAKIGUCHI	
			Art Unit	Not Yet Assigned	
Examiner Name	Not Yet Assigned				
Attorney Docket Number	09812.0123				
Sheet	1	of	1		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		H. Tsuchida, et al., "Evaluation on Intermittent Claudication Using Near Infrared Spectroscopy", Japanese Journal of Vascular Surgery, 1998, Vol. 7, No. 3, pp. 475-487	No

Examiner Signature	/Nicholas Evoy/	Date Considered	09/23/2009
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /N.E./